

February 10, 2009
Testimony from Robert Johnson
Representing the Montana AFL-CIO

This bill, HB-421, Montana Clean Government Act may be well intended but falls short of a well thought out and researched bill. This bill violates the 1st amendment of the Constitution of the United States of America. It attempts to restrict free speech, the right to participate in the political process, and the right to assemble. It attacks Businesses and employees who accept a government contract and penalizes them for 2 years after the contract is completed.

1. The introduction to this bill says it is seeking Transparency in Government. The contract with any governmental entity is public information and can be accessed under Current law. No new laws are required to get this information or be allowed to post it on the Internet.
2. Section #2, Paragraph 2, The attempt here is to stop buying influence through contributions to political campaigns in order to obtain a government contract. This is a valid objective. It also restricts the contractor of their rights to support any political candidates, issues, or their choice of any political affiliation. AGAIN, 1st amendment rights. This does not prevent out of state interests from financially supporting ballot initiatives and the problems we have had in the past. This does penalize Montanans' from opposing such issues because they accepted a government contract.
3. Section #3, paragraph 6, This is an outrageous and ridiculous to penalize family members and friends of the contractor who have no direct benefit from the government contract in question. This also includes someone who may be just dating someone the contractor.
4. Section #3, paragraph 7, When we think of a union, it is very common to relate this to a labor union. Remember these words, In Order to Form a more Perfect UNION. Our founding fathers used these words to form our nation and our doctrines. To remove the rights to assemble for the common good of all is again the abuse of the 1st amendment. It also violates the National Labor Relations Act. I think a quick history lesson is needed here. The 1st union ever in the USA was formed in Missoula in the 1890's. The 1st recognized labor union was formed in Butte as United Mine Workers Local #1. These and all other unions were formed to stop unsafe working conditions and fair work rules. Today unions are primarily negotiating the wages, hours, and working conditions for the members with the employers. Organized labor has ushered in the 40 Hour work week, Vacations and paid vacations, Holidays, OSHA, Improved minimum wage (I-151) and was the early leader against Discrimination practices in the work place.
5. Section #5, paragraph A, This section creates a death sentence for anyone who would consider accepting a government contract. Once the contract is completed there is a 2 year penalty after the completion of the contract where a person cannot participate in any politics, campaigns or support someone for office. It removes your rights as a citizen in this great country. 1st amendment again and the bill of rights. I'm surprised you can vote under this section.
6. Section #5, paragraph B, This section is so broad and there is no time period noted. This paragraph excludes 1st amendment rights for moral, religious, and ethical

beliefs. The idea that a person is not allowed to express or exercise their rights to free speech on unrelated issues of a government contract is appalling.

7. This is the best part of this bill, Section 10. This is the default clause. If anything in this bill is unconstitutional or found to be illegal, it will be removed and the rest will be in effect. The whole bill is unconstitutional!

Conclusion

This bill is unwisely thought through and researched. It is ridiculously written. It is the farthest thing from transparency in Government. It's like Big Brother needs to watch over you and control you attitude. I urge this committee to burn this bill and let it die on the table.

Thank You

Robert Johnson

Mt. AFL-CIO